

Since passage of the Telecommunications Act of 1996 and the \"deregulation\" of cable television, consumers have seen their rates jump an average of 59 percent -- with some areas experiencing even more dramatic increases. The cost of cable modem service remains out of reach for many households, holding constant for years and selectively underserving rural and low-income Americans. The American people are watching the digital divide widen even as the need for access to high-speed networks increases.

The FCC, through this Notice of Proposed Rulemaking, recognizes that new video competition is entering the market, as phone companies (like AT&T and Verizon) begin to roll out television. The Commission asks if the telephone companies are slowed or blocked in their expansion by the process of negotiating franchises - the agreements that companies seeking to provide video services sign with local governments which set the terms for building cable television systems.

These franchise agreements are what guarantee that local governments control rights-of-way and obtain fair rents from the companies that dig them up to lay cable. They guarantee universal build-out of the technology and its advantages to every household in the community, not just affluent neighborhoods. They guarantee public access television, funding to provide it, as well as other services like low-cost broadband for our schools and libraries.

Though the franchising process has not been perfect, it has been a critical safeguard to protect the interests of consumers and citizens in our local communities. Now that the phone companies are building television systems, local communities are hungry for new competition that could drive down costs, increase options, provide local access to local content and bring us closer to bridging the digital divide.

Does the franchising process need reform? Perhaps. However, the most important problem is not how to ensure the process is changed to suit the interests of telephone companies. Instead, the most important problem is how to ensure that the rights and services of local communities are protected and enriched. We should start with these desired outcomes and work backwards to see if the process to deliver them can be improved. Local governments undoubtedly will - and must - play a key role in any future

franchising process.

As new franchising rules are considered, I urge you to please ensure the preservation of PEG Access provisions in any future regulatory changes being formulated at this time in regards to these franchising rules.

There is a distinct lack of independent programming, particularly local independent programming, on cable systems. This is largely the result of vertical and horizontal consolidation amongst the largest media companies and cable providers. We are required to buy channels we don't want or need because the cable operators bundle them together. The quality of customer service often reflects the fact that cable television is not a competitive market. The addition of a small handful of satellite providers has not driven rates down.

In many communities, the only truly independent sources of local news, information and culture come from the public channels produced at local access centers. As someone who has worked with these facilities for some time, I can attest to the direct impact and importance they hold for large numbers of our citizens, who openly express to me their appreciation and gratitude for having these outlets for locally-based, community-oriented and alternative sourcing of non-commercial information.

They truly are the only way many citizens see local government in action and often the only way residents get information about events happening close-to-home. Our communities are also obtaining wired schools and libraries, resources for e-medicine, government efficiency programs and other educational initiatives, all of which would have been impossible without these franchise requirements. All use their negotiating power to ensure the entire community is served.

The risk of supplying "one size fits all" franchises to new providers is the elimination of these and other valuable services that fulfill important public policy aims. There is surely a need for new providers of broadband and video content to enter existing markets, be they private or public.

However, no matter the level at which 'franchises' to new providers are granted - be it local, state, or national - local communities cannot be cut out of the process. They must be allowed to lend their voice to how new video and broadband systems will be implemented and what features will be

available to meet future needs.